

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE NASH,

Plaintiff,

v.

ESTELA MARTINEZ,

Defendant.

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Civil Action No. **3:24-CV-1243-L-BN**

ORDER

On May 24, 2024, The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 5) was entered, recommending that the court *sua sponte* remand this action to state court for lack of subject matter jurisdiction because, although removed to federal court based on diversity jurisdiction, pro se Defendant Estela Martinez’s one-page Notice of Removal: (1) does not properly allege the citizenship of Plaintiff The Nash^{*}; and (2) does not include sufficient allegations from which the court can determine that the amount in controversy in this action involving a rental lease and eviction dispute exceeds \$75,000. In addition, the Report notes that the Notice of Removal contains no allegations supporting federal question jurisdiction. The Report, therefore, concludes that remand is required under 28 U.S.C. § 1447(c). No objections to the Report were received by the court, and the deadline for objections has expired. Defendant also did not seek leave to file an amended notice of removal to cure the deficiencies identified in the Report.

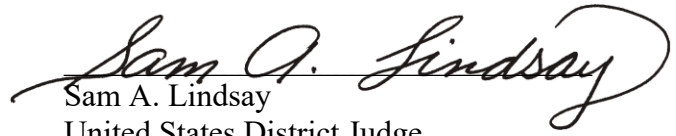
On June 28, 2024, the court entered an Order and Notice of Jurisdictional Deficiency (Doc. 7), indicating its agreement with the Report. Rather than remanding the case at that time, however,

^{*} Defendant alleges that The Nash is a limited liability company.

the court gave Defendant an opportunity to file an amended notice of removal by July 12, 2024, to cure the jurisdictional deficiencies identified by the magistrate judge. The court warned that Defendant's failure to do so would result in the court accepting the report and *sua sponte* remanding this action to state court for lack of subject matter jurisdiction. No amended notice of removal or motion to extend this deadline, though, were filed.

Accordingly, having considered the Notice of Removal, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, and *sua sponte* **remands** this action to the County Court at Law No. 2, Dallas County, Texas, from which it was removed. The clerk of court **shall** effect the remand in accordance with the usual procedure.

It is so ordered this 17th day of July, 2024.


Sam A. Lindsay
United States District Judge